

1-1 By: Holland, et al. H.B. No. 3784
 1-2 (Senate Sponsor - Taylor of Collin)
 1-3 (In the Senate - Received from the House May 3, 2017;
 1-4 May 5, 2017, read first time and referred to Committee on State
 1-5 Affairs; May 18, 2017, reported favorably by the following vote:
 1-6 Yeas 9, Nays 0; May 18, 2017, sent to printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-8 | | | | |
| 1-9 | X | | | |
| 1-10 | X | | | |
| 1-11 | X | | | |
| 1-12 | X | | | |
| 1-13 | X | | | |
| 1-14 | X | | | |
| 1-15 | X | | | |
| 1-16 | X | | | |
| 1-17 | X | | | |

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to persons approved by the Department of Public Safety to
 1-21 administer online the classroom instruction part of the handgun
 1-22 proficiency course.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 411.171, Government Code, is amended by
 1-25 adding Subdivision (1) to read as follows:

1-26 (1) "Approved online course provider" means a person
 1-27 who is certified by the department to offer in an online format the
 1-28 classroom instruction part of the handgun proficiency course and to
 1-29 administer the associated written exam.

1-30 SECTION 2. Section 411.188, Government Code, is amended by
 1-31 amending Subsections (a), (b), (d), (g), and (i) and adding
 1-32 Subsections (c), (d-1), (e), and (j) to read as follows:

1-33 (a) The director by rule shall establish minimum standards
 1-34 for handgun proficiency and shall develop a course to teach handgun
 1-35 proficiency and examinations to measure handgun proficiency. The
 1-36 course to teach handgun proficiency is required for each person who
 1-37 seeks to obtain a license and must contain training sessions
 1-38 divided into two parts. One part of the course must be classroom
 1-39 instruction and the other part must be range instruction and an
 1-40 actual demonstration by the applicant of the applicant's ability to
 1-41 safely and proficiently use a handgun. An applicant must be able to
 1-42 demonstrate, at a minimum, the degree of proficiency that is
 1-43 required to effectively operate a handgun of .32 caliber or above.
 1-44 The department shall distribute the standards, course
 1-45 requirements, and examinations on request to any qualified handgun
 1-46 instructor or approved online course provider seeking to administer
 1-47 the course or a part of the course as described by Subsection (b).

1-48 (b) Only qualified handgun instructors may administer the
 1-49 range instruction part of the handgun proficiency course. A
 1-50 qualified handgun instructor or approved online course provider may
 1-51 administer the classroom instruction part [~~or the range instruction~~
 1-52 ~~part~~] of the handgun proficiency course. The classroom instruction
 1-53 part of the course must include not less than four hours and not
 1-54 more than six hours of instruction on:

1-55 (1) the laws that relate to weapons and to the use of
 1-56 deadly force;

1-57 (2) handgun use and safety, including use of restraint
 1-58 holsters and methods to ensure the secure carrying of openly
 1-59 carried handguns;

1-60 (3) nonviolent dispute resolution; and

1-61 (4) proper storage practices for handguns with an

2-1 emphasis on storage practices that eliminate the possibility of
2-2 accidental injury to a child.

2-3 (c) An approved online course provider shall administer the
2-4 classroom instruction part of the handgun proficiency course in an
2-5 online format. A course administered online must include not less
2-6 than four hours and not more than six hours of instruction.

2-7 (d) Except as provided by Subsection (e), only [Only] a
2-8 qualified handgun instructor may administer the proficiency
2-9 examination to obtain a license. The proficiency examination must
2-10 include:

2-11 (1) a written section on the subjects listed in
2-12 Subsection (b); and

2-13 (2) a physical demonstration of proficiency in the use
2-14 of one or more handguns and in handgun safety procedures.

2-15 (d-1) A qualified handgun instructor shall require an
2-16 applicant who successfully completed an online version of the
2-17 classroom instruction part of the handgun proficiency course to
2-18 complete not less than one hour but not more than two hours of the
2-19 range instruction part of the handgun proficiency course before
2-20 allowing a physical demonstration of handgun proficiency as
2-21 described by Subsection (d)(2).

2-22 (e) An approved online course provider may administer
2-23 online through a secure portal the written portion of the
2-24 proficiency examination described by Subsection (d)(1).

2-25 (g) A person who wishes to obtain a license to carry a
2-26 handgun must apply in person to a qualified handgun instructor to
2-27 take the range instruction part of the [~~appropriate course in~~]
2-28 handgun proficiency course and to demonstrate handgun proficiency
2-29 as required by the department. A person must apply in person to a
2-30 qualified handgun instructor or online to an approved online course
2-31 provider, as applicable, to take the classroom instruction part of
2-32 the handgun proficiency course.

2-33 (i) A certified firearms instructor of the department may
2-34 monitor any class or training presented by a qualified handgun
2-35 instructor. A qualified handgun instructor shall cooperate with
2-36 the department in the department's efforts to monitor the
2-37 presentation of training by the qualified handgun instructor.

2-38 (j) A qualified handgun instructor or approved online
2-39 course provider shall make available for inspection to the
2-40 department any and all records maintained by the [~~a qualified~~
2-41 ~~handgun~~] instructor or course provider under this subchapter. The
2-42 qualified handgun instructor or approved online course provider
2-43 shall keep a record of all information required by department rule.

2-44 SECTION 3. The heading to Section 411.190, Government Code,
2-45 is amended to read as follows:

2-46 Sec. 411.190. QUALIFIED HANDGUN INSTRUCTORS AND APPROVED
2-47 ONLINE COURSE PROVIDERS.

2-48 SECTION 4. Section 411.190, Government Code, is amended by
2-49 adding Subsection (a-1) and amending Subsections (b), (c), (d),
2-50 (e), and (f) to read as follows:

2-51 (a-1) The director may certify as an approved online course
2-52 provider a person who has:

2-53 (1) at least three years of experience in providing
2-54 online instruction;

2-55 (2) experience working with governmental entities;
2-56 and

2-57 (3) direct knowledge of handgun training.

2-58 (b) In addition to the qualifications described by
2-59 Subsection (a) or (a-1), as appropriate, a qualified handgun
2-60 instructor or approved online course provider must be qualified to
2-61 instruct persons in:

2-62 (1) the laws that relate to weapons and to the use of
2-63 deadly force;

2-64 (2) handgun use, proficiency, and safety, including
2-65 use of restraint holsters and methods to ensure the secure carrying
2-66 of openly carried handguns;

2-67 (3) nonviolent dispute resolution; and

2-68 (4) proper storage practices for handguns, including
2-69 storage practices that eliminate the possibility of accidental

3-1 injury to a child.

3-2 (c) In the manner applicable to a person who applies for a
 3-3 license to carry a handgun, the department shall conduct a
 3-4 background check of a person who applies for certification as a
 3-5 qualified handgun instructor or approved online course provider.
 3-6 If the background check indicates that the applicant for
 3-7 certification would not qualify to receive a handgun license, the
 3-8 department may not certify the applicant as a qualified handgun
 3-9 instructor or approved online course provider. If the background
 3-10 check indicates that the applicant for certification would qualify
 3-11 to receive a handgun license, the department shall provide handgun
 3-12 instructor or online course provider training to the
 3-13 applicant. The applicant shall pay a fee of \$100 to the department
 3-14 for the training. The applicant must take and successfully
 3-15 complete the training offered by the department and pay the
 3-16 training fee before the department may certify the applicant as a
 3-17 qualified handgun instructor or approved online course
 3-18 provider. The department shall issue a license to carry a handgun
 3-19 under the authority of this subchapter to any person who is
 3-20 certified as a qualified handgun instructor or approved online
 3-21 course provider and who pays to the department a fee of \$100 in
 3-22 addition to the training fee. The department by rule may prorate
 3-23 or waive the training fee for an employee of another governmental
 3-24 entity.

3-25 (d) The certification of a qualified handgun instructor or
 3-26 approved online course provider expires on the second anniversary
 3-27 after the date of certification. To renew a certification, the
 3-28 qualified handgun instructor or approved online course provider
 3-29 must pay a fee of \$100 and take and successfully complete the
 3-30 retraining courses required by department rule.

3-31 (e) After certification, a qualified handgun instructor or
 3-32 approved online course provider may conduct training for applicants
 3-33 for a license under this subchapter.

3-34 (f) If the department determines that a reason exists to
 3-35 revoke, suspend, or deny a license to carry a handgun with respect
 3-36 to a person who is a qualified handgun instructor or approved online
 3-37 course provider or an applicant for certification as a qualified
 3-38 handgun instructor or approved online course provider, the
 3-39 department shall take that action against the person's:

3-40 (1) license to carry a handgun if the person is an
 3-41 applicant for or the holder of a license issued under this
 3-42 subchapter; and

3-43 (2) certification as a qualified handgun instructor or
 3-44 approved online course provider.

3-45 SECTION 5. Section 411.191, Government Code, is amended to
 3-46 read as follows:

3-47 Sec. 411.191. REVIEW OF DENIAL, REVOCATION, OR SUSPENSION
 3-48 OF CERTIFICATION AS QUALIFIED HANDGUN INSTRUCTOR OR APPROVED ONLINE
 3-49 COURSE PROVIDER. The procedures for the review of a denial,
 3-50 revocation, or suspension of a license under Section 411.180 apply
 3-51 to the review of a denial, revocation, or suspension of
 3-52 certification as a qualified handgun instructor or approved online
 3-53 course provider. The notice provisions of this subchapter relating
 3-54 to denial, revocation, or suspension of handgun licenses apply to
 3-55 the proposed denial, revocation, or suspension of a certification
 3-56 of a qualified handgun instructor or approved online course
 3-57 provider or an applicant for certification as a qualified handgun
 3-58 instructor or approved online course provider.

3-59 SECTION 6. Section 411.192(d), Government Code, is amended
 3-60 to read as follows:

3-61 (d) The department shall make public and distribute to the
 3-62 public at no cost lists of individuals who are certified as
 3-63 qualified handgun instructors by the department and who request to
 3-64 be included as provided by Subsection (e) and lists of approved
 3-65 online course providers. The department shall include on the lists
 3-66 each individual's name, telephone number, e-mail address, and
 3-67 Internet website address. The department shall make the lists
 3-68 [~~list~~] available on the department's Internet website.

3-69 SECTION 7. Sections 411.208(a), (b), and (e), Government

4-1 Code, are amended to read as follows:

4-2 (a) A court may not hold the state, an agency or subdivision
4-3 of the state, an officer or employee of the state, an institution of
4-4 higher education, an officer or employee of an institution of
4-5 higher education, a private or independent institution of higher
4-6 education that has not adopted rules under Section 411.2031(e), an
4-7 officer or employee of a private or independent institution of
4-8 higher education that has not adopted rules under Section
4-9 411.2031(e), a peace officer, ~~or~~ a qualified handgun instructor,
4-10 or an approved online course provider liable for damages caused by:

4-11 (1) an action authorized under this subchapter or a
4-12 failure to perform a duty imposed by this subchapter; or

4-13 (2) the actions of an applicant or license holder that
4-14 occur after the applicant has received a license or been denied a
4-15 license under this subchapter.

4-16 (b) A cause of action in damages may not be brought against
4-17 the state, an agency or subdivision of the state, an officer or
4-18 employee of the state, an institution of higher education, an
4-19 officer or employee of an institution of higher education, a
4-20 private or independent institution of higher education that has not
4-21 adopted rules under Section 411.2031(e), an officer or employee of
4-22 a private or independent institution of higher education that has
4-23 not adopted rules under Section 411.2031(e), a peace officer, ~~or~~
4-24 a qualified handgun instructor, or an approved online course
4-25 provider for any damage caused by the actions of an applicant or
4-26 license holder under this subchapter.

4-27 (e) The immunities granted under Subsection (a) to a
4-28 qualified handgun instructor or approved online course provider do
4-29 not apply to a cause of action for fraud or a deceptive trade
4-30 practice.

4-31 SECTION 8. This Act takes effect September 1, 2017.

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